

AMENDED IN ASSEMBLY AUGUST 16, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Concurrent Resolution

No. 74

Introduced by Assembly Member Alejo

(Coauthors: Assembly Members Allen, Campos, Davis, Fletcher, Furutani, Roger Hernández, Hueso, Huffman, Lara, Bonnie Lowenthal, Mendoza, Perea, Portantino, and Yamada)

(Coauthors: Senators Corbett and Kehoe)

June 30, 2011

Assembly Concurrent Resolution No. 74—Relative to Filipino Americans.

LEGISLATIVE COUNSEL'S DIGEST

ACR 74, as amended, Alejo. Filipino Americans.

This measure would express the Legislature's apology, on behalf of the people of the state, for violations of the ~~constitutional and civil rights~~ *civil liberties and constitutional rights* of Filipino Americans *caused by antimiscegenation laws that precluded marriage between Filipinos and Caucasians*, and its regret, on behalf of the people of the state, for the suffering and hardship endured by Filipino Americans as a result of ~~government actions and programs~~ *governmental actions taken because of various policies and laws it enacted*.

Fiscal committee: no.

- 1 WHEREAS, Filipino Americans have a long and documented
- 2 history of suffering discrimination, prejudice, and animosity in the
- 3 State of California; and
- 4 WHEREAS, Filipino Americans endured past transgressions
- 5 and wrongs committed against them through the implementation

1 of state policies and the passage of certain laws, including the
2 segregation of Filipino Americans through the use of separate
3 public facilities and targeted immigration policies; and

4 WHEREAS, In the 1920s, sentiment against Filipino Americans
5 was fueled by the Department of Industrial Relations publishing
6 “Facts about Filipino Immigration into California” that contained
7 an introduction describing a “third wave of Filipino immigration,”
8 the pace of which was characterized as being too great, and that
9 implied the wrong kind of Filipinos were immigrating to the state;
10 and

11 WHEREAS, In 1921, the California Legislature passed an
12 amendment to the Political Code that allowed the legal
13 establishment of separate schools for children of Chinese, Japanese,
14 Indian, or Mongolian heritage; and

15 WHEREAS, Once those schools were built, districts in
16 Sacramento County maintained separate education facilities in the
17 communities of Florin, Walnut Grove, Isleton, and Courtland, and
18 Chinese, Japanese, and Filipino children in these school districts
19 attended segregated schools until World War II; and

20 ~~WHEREAS, In 1929, the California Attorney General wrote an~~
21 ~~opinion that was contrary to one written in 1921 by the Los Angeles~~
22 ~~County Counsel regarding the question of whether county clerks~~
23 ~~in Los Angeles County could issue marriage licenses to Filipinos~~
24 ~~without violating the antimiscegenation law, which classified~~
25 ~~Filipinos as being Mongolian; and~~

26 *WHEREAS, Many counties in the state sought outside counsel*
27 *on the question of whether a county could issue a marriage license*
28 *to a Filipino and Caucasian couple, and in 1926, the Attorney*
29 *General issued an opinion stating that Filipinos were part of the*
30 *Mongolian race, and that marriage between Filipinos and*
31 *Caucasians was prohibited under antimiscegenation laws*
32 *prohibiting marriage between Mongolians and Caucasians; and*

33 WHEREAS, In 1929, the California Legislature passed a
34 resolution requesting an enactment by the United States Congress
35 to restrict Filipino immigration; and

36 WHEREAS, The Northern Monterey Chamber of Commerce
37 adopted anti-Filipino resolutions proclaiming that Filipinos were
38 undesirable, depressed the wage scale of other nationalities,
39 possessed unhealthy habits, and brought in disease; and

1 WHEREAS, In 1930, the most explosive anti-Filipino riot
2 occurred in Watsonville where Filipinos were relentlessly harassed,
3 and the riot culminated in the killing of Fermin Tobera; and

4 WHEREAS, Anti-Filipino riots quickly spread throughout
5 California to cities such as Stockton, San Francisco, Salinas, and
6 San Jose; and

7 WHEREAS, Anti-Filipino vigilante groups committed acts of
8 violence due to the beliefs that Filipino field laborers were
9 ~~intermingling and having intimate relations with Caucasian women,~~
10 ~~in violation of the California antimiscegenation laws enacted during~~
11 ~~that time, and were depressing wages in the harvest fields and~~
12 *intermingling with Caucasian women, depressing wages in the*
13 *harvest fields, and taking jobs belonging to Americans; and*

14 WHEREAS, In 1933, the California Legislature amended its
15 antimiscegenation law to cause any marriage of Caucasians with
16 “negroes, Mongolians, members of the Malay race, or mulattoes
17 to be illegal and void”; and

18 WHEREAS, In 1934, the federal government passed the
19 Tydings-McDuffie Act, also known as the Philippine Independence
20 Act, which limited Filipino immigration to the United States to 50
21 persons per year; and

22 WHEREAS, Section 8 of the Tydings-McDuffie Act recognized
23 the Philippine Islands as a separate country and restricted
24 immigration by considering citizens of the Philippine Islands who
25 were not citizens of the United States to be aliens; and

26 WHEREAS, the Tydings-McDuffie Act paved the way for the
27 Filipino Repatriation Act of 1935; and

28 WHEREAS, In 1935, the United States Congress passed the
29 ~~Filipino Repatriation Act, which called for the federal government~~
30 ~~to pressure Filipinos to return to the Philippines by offering them~~
31 ~~free passage there; and~~

32 ~~WHEREAS, In 1946, California voters defeated Proposition 11,~~
33 ~~which would have outlawed discrimination based on race, religion,~~
34 ~~color, national origin, or ancestry in the area of employment~~
35 ~~practices and would have established a Fair Employment Practices~~
36 ~~Commission to promote equal opportunity in employment; now,~~
37 ~~therefore, be it~~ *Filipino Repatriation Act, which encouraged*
38 *Filipinos to return to the Philippines voluntarily; however, those*
39 *that chose to leave the United States and wanted to return were*

1 *subject to the 50-person quota established in the Tydings-McDuffie*
2 *Act; now, therefore, be it*

3 *Resolved by the Assembly of the State of California, the Senate*
4 *thereof concurring, That the Legislature, on behalf of the people*
5 *of the state, apologizes to Filipino Americans in California for*
6 *fundamental violations of basic constitutional and civil rights*
7 *through de jure and de facto discrimination committed during the*
8 *1920s through the 1940s; and be it further*

9 *Resolved, That the Legislature, on behalf of the people of the*
10 *state, apologizes to Filipino Americans for the violations of civil*
11 *liberties and constitutional rights committed during the period of*
12 *illegal deportation and coerced emigration; and be it further*

13 *Resolved, That the Legislature, on behalf of the people of the*
14 *state, expresses regret for the suffering and hardship those*
15 *individuals and their families endured as a direct result of the*
16 *government-sponsored Repatriation Program of the 1930s; and be*
17 *it further state, expresses regret for amending the Political Code*
18 *to allow separate schools for children of Chinese, Japanese, Indian,*
19 *or Mongolian heritage; and be it further*

20 *RESOLVED, That the Legislature, on behalf of the people of*
21 *the state, expresses regret for the passage of a resolution*
22 *requesting that the United States Congress restrict Filipino*
23 *immigration; and be it further*

24 *RESOLVED, That the Legislature, on behalf of the people of*
25 *the state, apologizes to Filipino Americans for violations of civil*
26 *liberties and constitutional rights caused by antimiscegenation*
27 *laws that prohibited marriage between Filipinos and Caucasians;*
28 *and be it further*

29 *Resolved, That the Legislature, on behalf of the people of the*
30 *state, expresses its regret for the suffering and hardship those*
31 *individuals and their families endured as a direct result of*
32 *governmental actions taken because of the state's various policies*
33 *and laws that it had enacted; and be it further*

34 *Resolved, That the Chief Clerk of the Assembly transmit copies*
35 *of this resolution to the Members of the Legislature and to the*
36 *author for appropriate distribution.*